

AMENDED IN ASSEMBLY AUGUST 11, 2000

AMENDED IN ASSEMBLY AUGUST 7, 2000

AMENDED IN ASSEMBLY JUNE 28, 2000

AMENDED IN SENATE APRIL 11, 2000

AMENDED IN SENATE MARCH 28, 2000

SENATE BILL

No. 2095

**Introduced by Senator Johnston
(Coauthor: Senator Perata)**

February 25, 2000

An act to add Article 10.9 (commencing with Section 65601) to Chapter 3 of Division 1 of Title 7 of the Government Code, relating to water recycling.

LEGISLATIVE COUNSEL'S DIGEST

SB 2095, as amended, Johnston. Water Recycling in Landscaping Act.

(1) Existing law, known as the Water Conservation in Landscaping Act, requires a model water efficient landscape ordinance adopted by the Department of Water Resources to be enforced by a city, county, or city and county and have the same force and effect as if adopted by the local agency, unless the local agency has adopted a water efficient landscape ordinance or has adopted findings based on climatic, geological, or topographical conditions, or water availability that states that this ordinance is unnecessary.

This bill would require any local public or private entity that produces recycled water and determines that within 10 years it will provide recycled water ~~service to~~ *within the boundaries of* a local agency, to notify the local agency of that fact. The bill would require a local agency, within 180 days of receipt of the notice, to adopt and enforce a specified recycled water ordinance, unless the local agency adopted a recycled water ordinance or other regulation requiring the use of recycled water in its jurisdiction prior to January 1, 2001. By imposing new duties on local legislative bodies, the bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 10.9 (commencing with Section
2 65601) is added to Chapter 3 of Division 1 of Title 7 of the
3 Government Code, to read:

4
5 Article 10.9. Water Recycling in Landscaping Act

6
7 65601. This article shall be known and may be cited as
8 the Water Recycling in Landscaping Act.

9 65602. The Legislature finds and declares all of the
10 following:

11 (a) The waters of the state are of limited supply and
12 are subject to ever-increasing demands.

13 (b) The continuation of California's economic
14 prosperity is dependent on adequate supplies of water
15 being available for future uses.

16 (c) It is the policy of the state to promote the efficient
17 use of water through the development of water recycling
18 facilities.

(d) Landscape design, installation, and maintenance can and should be water efficient.

(e) The use of potable domestic water for landscaped areas is considered a waste or unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution if recycled water is available that meets the conditions described in Section 13550 of the Water Code.

65603. Unless the context requires otherwise, the definitions used in this section govern the construction of this article:

(a) “Designated recycled water use area” means areas within the boundaries ~~or service area~~ of the local agency that can or may in the future ~~use~~ *be served with* recycled water in lieu of potable water and are so designated by the local agency.

(b) “Local agency” means any city, county, or city and county.

(c) “Recycled water producer” means any local public or private entity that produces recycled water in accordance with the conditions described in Section 13550 of the Water Code.

65604. If a recycled water producer determines that within 10 years the recycled water producer will provide recycled water ~~service to~~ *within the boundaries of* a local agency that meets all of the conditions described in Section 13550 of the Water Code, the recycled water producer shall notify the local agency of that fact and shall identify in the notice the ~~boundary or service~~ area that is eligible to receive the recycled water, and the necessary infrastructure that the recycled water producer *or retail water supplier* will provide to support delivery of the recycled water ~~within the boundary or service area~~.

65605. (a) Within 180 days of receipt of notification from a recycled water producer pursuant to Section 65604, the local agency shall adopt and enforce a recycled water ordinance pursuant to this article.

(b) The ordinance shall include, but not be limited to, provisions that do all of the following:

1 (1) State that it is the policy of the local agency that
2 recycled water determined to be available pursuant to
3 Section 13550 of the Water Code shall be used for
4 nonpotable uses within the designated recycled water use
5 area set forth by the local agency when the local agency
6 determines that there is not an alternative higher or
7 better use for the recycled water, its use is economically
8 justified, and its use is financially and technically feasible
9 for projects under consideration by the local agency.

10 (2) Designate the areas within the boundaries of the
11 local agency that can or may in the future use recycled
12 water, including, but not limited to, existing urban areas
13 in lieu of potable water.

14 (3) Establish general rules and regulations governing
15 the use and distribution of recycled water in accordance
16 with applicable laws and regulations.

17 (4) ~~Establish the use of recycled water that the use of~~
18 *the recycled water is determined to be available pursuant*
19 *to Section 13550 of the Water Code* in new industrial,
20 commercial, or residential subdivisions located within the
21 designated recycled water use areas for which a tentative
22 map or parcel map is required pursuant to Section 66426.
23 These provisions shall require a separate plumbing
24 system to serve nonpotable uses in the common areas of
25 the subdivision, including, but not limited to, golf courses,
26 parks, greenbelts, landscaped streets, and landscaped
27 medians. The separate plumbing system to serve
28 nonpotable uses shall be independent of the plumbing
29 system provided to serve domestic, residential, and other
30 potable water uses in the subdivision.

31 (5) *Require that recycled water service shall not*
32 *commence within the designated recycled water use area*
33 *in any service area of a private utility, as defined in*
34 *Section 1502 of the Public Utilities Code, or to any service*
35 *area of a public agency retail water supplier that is not a*
36 *local agency, as defined in subdivision (b) of Section*
37 *65603, except in accordance with a written agreement*
38 *between the recycled water producer and the private*
39 *utility or public agency retail water supplier.*

1 65606. The recycled water ordinance adopted by a
2 local agency pursuant to Section 65605 shall not apply to
3 either of the following:

4 (a) A tentative map as defined in Section 66424.5, or a
5 development, as defined in Section 65927, that was
6 approved by the local agency prior to the receipt of
7 notification from a recycled water producer pursuant to
8 Section 65604.

9 (b) A subdivision map application that is deemed
10 complete pursuant to Section 65943 prior to the local
11 agency's receipt of a notice from a recycled water
12 producer pursuant to Section 65604.

13 65607. (a) This article shall not apply to any local
14 agency that adopted a recycled water ordinance or other
15 regulation requiring the use of recycled water in its
16 jurisdiction prior to January 1, 2001.

17 (b) This article does not alter any rights, remedies, or
18 obligations that may exist pursuant to Chapter 7
19 (commencing with Section 13500) of Division 7 of the
20 Water Code.

21 (c) This article does not alter any rights, remedies, or
22 obligations that may exist pursuant to Chapter 8.5
23 (commencing with Section 1501) of Part 1 of Division 1
24 of the Public Utilities Code.

25 SEC. 2. No reimbursement is required by this act
26 pursuant to Section 6 of Article XIII B of the California
27 Constitution because a local agency or school district has
28 the authority to levy service charges, fees, or assessments
29 sufficient to pay for the program or level of service
30 mandated by this act, within the meaning of Section 17556
31 of the Government Code.